

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BILLY HUFFSTUTLER,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 14-cv-1260-CJP¹
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social)	
Security,)	
)	
Defendant.)	

MEMORANDUM and ORDER

PROUD, Magistrate Judge:

This matter is now before the Court on the parties' Joint Motion to Remand to the Commissioner. **(Doc. 25).**

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties agree that, on remand, the Appeals Council will hold a new hearing for the purposes of obtaining supplemental vocational expert evidence

¹ This case was referred to the undersigned for final disposition upon consent of the parties, pursuant to 28 U.S.C. §636(c). See, Doc. 10.

in response to hypothetical questions that fully inform the vocational expert of all the information stated in the opinion of state psychological consultant Dr. Difonso. The ALJ will reconsider the medical opinions of record regarding plaintiff's physical limitations, explain the basis for any RFC, and reassess plaintiff's subjective complaints. After reevaluating the evidence, the ALJ will issue a new decision regarding the disability application.

For good cause shown, the parties' Joint Motion to Remand (**Doc. 25**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Billy Huffstutler's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: June 11, 2015.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE